



Appeal Decisions

Inquiry opened on 4 July 2023

Site visit made on 11 July 2023

by Diane Lewis BA(Hons) MCD MA LL.M MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/R2520/W/22/3300586

Plot 13 Land off A17 adjacent to the River Witham, Sleaford Road, Beckingham, Lincolnshire, LN5 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Kevin Clee against the decision of North Kesteven District Council.
- The application Ref 22/0095/FUL, dated 30 December 2021, was refused by notice dated 13 May 2022.
- The development proposed is Change of use from equestrian to residential to accommodate 1 static caravan, 1 touring caravan (parking), a brick and tile built day room, parking for 2 vehicles and associated service roads.

Summary of Decision: The appeal is dismissed.

Appeal Ref: APP/R2520/W/22/3300594

Plot 14 Land off A17 adjacent to the River Witham, Sleaford Road, Beckingham, Lincolnshire LN5 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Luke Clee against the decision of North Kesteven District Council.
- The application Ref 22/0096/FUL, dated 30 December 2021, was refused by notice dated 13 May 2022.
- The development proposed is Change of use from equestrian to residential to accommodate 1 static caravan, 1 touring caravan (parking), a brick and tile built day room, parking for 2 vehicles and associated service roads.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. These are two of seventeen appeals¹ concerning the development of land to the north of Beckingham village and the A17 Sleaford Road. A hearing into all appeals, arranged to open on 29 November 2022, was postponed on 25 November 2022. Having reviewed the appeals and considered the request on behalf of the appellants, the Planning Inspectorate changed the procedure to an inquiry. I was appointed as the Inspector and a Case Management Conference took place on 2 May 2023. The discussion centred on the management of the appeals, arrangements and programme for the inquiry and

¹ Linked appeal references are listed in Appendix 1 at the end of the Decision.

the expectations on all participants. There was no discussion of the merits of respective cases.

2. The inquiry opened on 4 July 2023 and closed on 14 July, sitting for a total of 6 days on 4, 5 and 6 July and 12, 13 and 14 July. In addition to the appellants and the Council, the Secretary of State for Defence appeared as a rule 12 party². Beckingham Parish Council also gave evidence. Certain topics were the subject of round table sessions with the remaining matters dealt with through the formal presentation and cross-examination of evidence. An accompanied site visit took place on 11 July to Beckingham Defence Training Estate (the DTE) and the appeal sites.
3. On 28 June 2023 the Secretary of State issued 17 screening directions, one for each appeal site and directed in each case that the proposed development is not Environmental Impact Assessment Development, having considered possible cumulative effects.
4. As stated in the bullet points above, this document relates to two separate appeals. Each appeal will be determined on its merits. However, the appellant for Plot 13 states that his wife and children live on Plot 14, and his brother is the appellant for Plot 14. This will be taken into account as appropriate in the assessments and in human rights considerations. To avoid unnecessary repetition, reasoning and conclusions common to both sites are not duplicated. The effects and reasoning applicable to a specific plot are highlighted as necessary. Also, because much of the evidence applies to all 17 appeals a considerable amount of the reasoning is the same as in the Decisions on the other appeals.
5. An application for a partial award of Costs was made by the Council against the appellant group³. This application is the subject of a separate Decision.

Appeal Proposals

6. The two appeal sites are part of a larger triangular shaped area of land of approximately 2 hectares (ha) bounded by the A17 to the south, the River Witham to the west, a water recycling centre to the east and the DTE lands to the east, north and west.
7. When looked at overall, the proposed layout is of three rows of regular sized plots served by an access road along the eastern boundary and a service road between each row of plots. Plots 16 and 17, in a fourth row towards the apex of the triangle, appear slightly larger. A grassed area annotated to the north and grassed areas identified along the River Witham are not within the red line of any application/appeal site. Plots 13 and 14 are two of the three plots in the third row of plots to the north of the A17.
8. The site ownership certificate dated 6 June 2022 submitted with the appeals stated that Douglas Price and Richard Smith were the owners of any part of the land to which the appeal relates. This information is consistent with the Land Registry entries dated 5 June 2023⁴. The Land Registry details also show their

² The Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 SI 2000:1625

³ This is the term used to describe all the appellants.

⁴ Core Document 53c Part 1 and Part 2.

wider land ownership adjoins land owned by Lincolnshire County Council, which lies immediately to the south and includes the A17 highway⁵.

9. On 21 December 2021 works to facilitate a material change of use of the land began through the laying of hardcore, which was followed by the siting of touring caravans. As a result of an injunction granted by the High Court⁶, currently no more than 14 tourer caravans should be on the land at any one time. The laying of additional hardcore/hardstanding to provide a base for the caravans was allowed plus the provision of dayrooms and connections to basic utility services.
10. The Order also sets out the procedure and triggers in relation to planning applications for residential use and any subsequent appeals. Following dismissal of any such appeal (including any statutory appeal to the High Court) a Defendant so affected shall within 28 days cease their residential use of the Land and remove their caravan(s) from the Land and remove the dayroom, footings/foundations and all hardcore/hardstanding laid since December 2021 within 56 days.
11. The site visit confirmed that the land is divided into pitches accessed by hard surfaced tracks, similar to but not the same as the layout indicated on the submitted site plan. Noticeable differences had occurred in the area around Plots 1 and 8 and Plots 15, 16 and 17. It appeared that Plots 13 and 14 were not occupied. A blue container(s)/utility block was on Plot 13. A touring caravan was sited on Plot 14, which was covered in rubble and was somewhat overgrown. The Council recorded a similar position in May 2023⁷.
12. The evidence available indicates the triangle of land was used previously for grazing horses, an agricultural use, rather than the riding or keeping of horses suggested by the word 'equestrian' used in the description of the proposed development. At the inquiry the appellants agreed the description be amended to read: "A material change of use of the land to residential to accommodate 1 static caravan, 1 touring caravan (parking), brick and tile built dayroom, parking for two vehicles and associated service road."
13. The appellants confirmed at the inquiry the application plans for Plots 13 and 14 are those cited in the Council's decision notice⁸. In each case the amended site layout plan outlines in red the pitch being applied for and the associated length of service road, all consistent with the description of development and the stated address of the site. Alterations to the main access onto the A17 are included in the proposal, as stated on the planning application form, but no details were provided. The plan of the dayroom shows a simple brick and tile building with a footprint of 7 x 4 metres (m) and ridge height of 4.5m, to provide a dayroom/ laundry and bathroom facilities.
14. In October 2022 the appellant group submitted a preliminary ecological appraisal report and a noise impact assessment (the Nova report). The Nova report considered the triangle of land as the development site and recommended the installation of 2m high close-boarded fencing on top of a 1m

⁵ Core Documents 53a and 53b

⁶ Inquiry Document 15

⁷ Core Documents 54 and 55

⁸ MW DP-02 Plot 13 proposed elevations and floor plans received 14 January 2022, MW DP-01 Plot 13 proposed site plan received 3 March 2022; MW DP-02 Plot 14 proposed elevations and floor plans received 14 January 2022 MW DP-01 Plot 14 proposed site plan received 3 March 2022.

high earth bund 'between the site and the A17 road'⁹. The site considered in the ecology report also is the triangular area of land. The field survey was carried out on 22 August 2022 and the site was described as comprising hardcore hardstanding and areas of grassland with a hedgerow and a line of trees on the eastern and southern boundaries. The report acknowledged the limitations associated with the timing of the field survey post development and the baseline habitats at the site pre-development were not quantified. The identified ecological constraints and opportunities and recommendations for avoidance, mitigation or further survey applied to the site as defined in the report and not individual plots/appeal sites.

15. The appellant group's evidence on landscape and visual effects considered a site of approximately 1.9 ha and the proposed site layout and landscape strategy applies to this triangular shaped area. At the inquiry the appellants confirmed that the landscape strategy is illustrative only. The Council showed that Plot 1 on the landscape strategy plan is set back a greater distance from the A17 and the River Witham than shown on the submitted layout plan¹⁰. This assessment was not challenged. The implication is that all other plots are not shown in the same position as on the submitted application plans.
16. A Highways Technical Note¹¹ included plans of a swept path analysis, and visibility splays at the access onto the A17. Proposed improvement works to the main access were not detailed.
17. To conclude, little information was submitted with the planning applications or when the appeals were made. The later supporting technical evidence is directed towards the development of the land as a single site by the appellant group to provide 17 pitches and associated dayrooms and services. However, that is not the proposal for determination. Seventeen separate planning applications were made, which has led to seventeen appeals. No explanation was forthcoming as to why this approach was followed. I will determine each appeal on its individual merits, having regard to potential cumulative effects. This approach was not challenged by the main parties. The proposal and site area in the appeals are those shown on the submitted plans considered by the Council when refusing permission, not the development on the ground now. The appellants' case seeks to justify a permanent non-personal permission but also puts forward the options of a personal permission or a temporary permission.

Planning Policy

18. The Central Lincolnshire Local Plan (CLLP) was adopted by the Council in April 2023. The CLLP contains planning policies and allocations for the growth and regeneration of Central Lincolnshire over the next 20 years¹². The CLLP is the relevant development plan document for determining these appeals. No reference will be made to the policies from the Central Lincolnshire Local Plan adopted in 2017 and relied on in the reasons for refusal.
19. The National Planning Policy Framework issued in July 2021 was updated and replaced on 5 September 2023 by a revised Framework. The only substantive

⁹ The location of the bund and fence is shown on a plan within Appendix C to the report.

¹⁰ Inquiry Document 4

¹¹ Appendix 1 WSP Appendices

¹² Central Lincolnshire refers to the combined area covered by the City of Lincoln, North Kesteven and West Lindsey

revisions relate to planning for onshore wind development in England. None of the revisions apply to the current appeals and no additional comments were sought from the parties.

20. The proposed caravan sites are intended to be occupied by Romani Gypsies. Planning policy for traveller sites August 2015 (PPTS), which should be read in conjunction with the Framework, is a consideration. CLLP Policy S83, in Part Three, sets out the criteria for consideration of proposals for new sites for Gypsies, Travellers or Travelling Showpeople.
21. The Framework requires consideration of whether otherwise unacceptable development could be made acceptable by the use of planning conditions. Planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects (the six tests).

Main Issue

22. The main issue, which is common to all appeals, is informed by the reasons for refusal and the current policy context. The focus is on whether the proposed traveller caravan site would be a well planned, sustainable form of development in an appropriate location, taking account of:
 - the effects on highway safety, accessibility to services and facilities, the character and appearance of the land and surrounding area, designated heritage assets and biodiversity,
 - the proposed infrastructure and utility services to serve the pitch,
 - the acoustic environment and the effect of the proposed residential use on the operations at the DTE,
 - potential cumulative effects,
 - whether any identified harm may be suitably mitigated through compliance with planning conditions.
23. Other considerations to weigh in the balance are:
 - Intentional unauthorised development.
 - The existing level of local provision and need for sites.
 - The availability (or lack) of alternative accommodation for the appellants and occupiers.
 - Other personal circumstances of the appellants and occupiers.
24. With reference to reason for refusal No 5, the Council now accepts the proposal, when considered with the proposals for the wider site, would not unduly dominate the village. The Council continues to maintain they are of a scale that does not respect the scale of the settled community.
25. Integral to my decision-making will be exercising duties under the Human Rights Act 1998. Article 8, a Convention Right¹³, affords a person the right to

¹³ Article 8 of the European Convention on Human Rights, which was enshrined into UK law by the Human Rights Act 1998.

respect for their private and family life, their home and their correspondence. This qualified right requires a balance between the rights of the individual and the needs of the wider community. Central to the principle of a fair balance is the doctrine of proportionality. There is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies and Travellers as a minority group means some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases.

26. Under the Equality Act 2010 public sector equality duty (PSED) I will have due regard to the three aims identified in the Act – to eliminate discrimination, advance equality of opportunity and foster good relations. Romani Gypsies are an ethnic minority and have the protected characteristic of race under section 149(7). The decision must be proportionate to achieving the legitimate planning aims.

Reasons on main issue

Highway safety

27. Policy S83 Part Three criterion (b) requires the proposal to have adequate and safe vehicular access including for emergency vehicles, other large vehicles and towed loads likely to frequent the site.
28. The CLLP identifies the A17 as one of the key roads in Central Lincolnshire, which is essential for connecting communities and an important route for businesses, including local agricultural and food industries¹⁴. At the Inquiry the route was said to carry a high volume of commercial, port related and tourist traffic. The Parish Council explained that the short stretch of dual carriageway immediately north of Beckingham (west bound) is the only section between Newark and Sleaford with this type of opportunity for overtaking, leading to high traffic speed¹⁵. The east bound carriageway near the appeal sites is single carriageway, widening to accommodate a right turn filter lane at the junction with Woodgate Lane and Chapel Street.
29. Before development took place there was an established gated access into the field, taken directly from the A17 on its northern side. The evidence available¹⁶ indicates this access was distinct from the access serving the water recycling centre. The field access showed little signs of engineering work and was basically a gap formed in the boundary vegetation with an area of hard surfacing in front of a five bar gate. It would not be of a standard or specification to ensure a safe means of access to and from the A17, even to one residential plot. The highway authority requested details of visibility splays and proposed improvements to provide the required specification but did not object to use of this access point onto the A17 to serve a residential use.
30. The additional details submitted by the appellants confirmed the ability of cars and towing caravans to access and egress the Land and that adequate visibility splays are achievable. I am satisfied from observations on the site visit that visibility is good for users of the access and for the drivers on the A17, helped by the curvature of the carriageway.

¹⁴ CLLP paragraph 8.2.3

¹⁵ The dual carriageway is subject to a national speed limit of 70 mph for cars, vans, motorcycles and dual purpose vehicles and 60 mph for coaches, buses and goods vehicles.

¹⁶ Core Document 9

31. The highway authority has stated that improvements to the site access should be in accordance with Lincolnshire County Council's section 184 specification¹⁷ and indicated requirements for the geometry of the access and position of access gates. This advice, together with the swept path analysis plan, gives a good indication of the type of work necessary to secure a safe access. A point that has not been demonstrated is whether the access geometry is able to be achieved without encroaching onto Plot 7, as defined on the site layout plan. Also unclear is the amount of any additional land involved outside of the application site. Details of improvement works and the timing of their implementation would have to be dealt with through a planning condition. Subject to this important proviso, safe site access arrangements could be secured at the site entrance.
32. No right turn movements are possible because of the dual carriageway and the safety barrier in the central reservation. This could be regarded as enhancing safety, provided suitable and convenient turning opportunities exist. For traffic approaching the sites from the east the safest option would be to continue to the A17/Coddington/Stapleford roundabout some 3.1 km beyond the site. An alternative, nearer option at the Barnaby in the Willows junction around 1.6 km away would involve doing a U-turn in the bellmouth of the junction. The Council also identified two nearer secondary accesses on the northern side of the A17 where manoeuvring should be discouraged. For vehicles leaving the sites and wishing to travel west, the likelihood is that use would be made of the Woodgate Lane/Chapel Street junction.
33. Therefore safe options exist, although the probability is use would be made of closer, less satisfactory turning opportunities when approaching from the east. The related risk to safety is less from the development of Plot 13 or Plot 14 alone, compared to an increased risk with the development of more plots. In the absence of a transport statement there is no estimate of the likely number of trips involved. This matter has a small amount of weight in assessing safety for a single pitch, bearing in mind the Framework states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. CLLP Policy S47 takes a similar approach.
34. The Parish Council described how vehicles were driven from the Woodgate Lane junction to the site along the verge on the north side of the A17. Such action would put road users and occupants of the vehicle at very serious risk. The report was first contained in the Parish Council's representation in March 2022. On my visits the vegetation covering the verge did not show any signs of vehicle damage and would preclude vehicle use. The Parish Council also stated the Highway Authority agreed that the Woodgate Lane junction was unsafe and would be blocked if funding was available, requiring all vehicles to use the junction serving the village at the eastern end of the dual carriageway. However, I rely on the comments on the planning applications and appeals to represent the Highway Authority's position, which made no such references.

Conclusions

35. The outstanding matter in each appeal is to demonstrate and ensure the proposal would have an adequate and safe vehicular access through submission of a Stage 1 Road Safety Audit with associated details of the layout,

¹⁷ Core Document 1

works and drainage at the main site access onto the A17. The probability is the required works would in part fall outside the application site and involve land outside the control of the Plot 13 and Plot 14 appellants, including highway land. To date there is no indication works would encroach onto the adjacent access serving the water recycling centre.

36. The appellants' planning witness referred to the use of a Grampian type planning condition but this is not possible as the development has commenced. The proposed condition relies on the submission of a scheme within 6 months of the date of the decision. The timing of implementation of an approved scheme is unknown. There are not the grounds to conclude there are no prospects at all of the action being performed within the time limits imposed. The test for reasonableness is met.
37. Subject to compliance with a planning condition the proposed caravan sites would have adequate and safe vehicular access and be in accordance with Part Three criterion (b) of Policy S83.

Accessibility to services and facilities

38. Criterion (f) of Policy S83 Part Three states: For non-allocated sites, the proposal should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport.
39. GP primary health care facilities are found in Balderton, Newark (8.5km away) and in Caythorpe (17.8 km) and Ancaster (14.1km), all outside the CLLP area. The Parish Council noted the nearest hospital is in Lincoln.
40. A primary school and a pre-school are located in Brant Boughton, 5.4 km to the east of the Land and there is also a primary school in Claypole (8.4km). The nearest secondary school is the William Robertson Academy at Leadenham (9.5 km). The appellants also confirmed that a school bus visits the site every Tuesday. Whilst a valuable service it is not an adequate substitute for daily school attendance.
41. Beckingham is a Small Village in the CLLP settlement hierarchy (Policy S1) where the expectation is for limited growth as set out in Policy S4. Beckingham has a village hall and a church but no shop. The nearest convenience stores are in Brant Boughton, Leadenham, Claypole and Balderton. Lincoln urban area is at the top of the hierarchy. However, Beckingham is a lot closer to Newark (in the district of Newark and Sherwood) than Lincoln.
42. A 'reasonable travelling distance' is not explained in the supporting text to the policy. However, the context for the CLLP is helpful¹⁸. Apart from Lincoln and the main and small towns, Central Lincolnshire is predominantly rural, and is characterised by a dispersed settlement pattern of villages. Functionally, the rural villages often operate as clusters that share key services, with the larger villages acting as local service centres that communities rely on for basic facilities and as social hubs.
43. Allowing for the rural location, the travelling distances to primary health care facilities and schools are on the margins of being reasonable. As to mode of travel, the only highway accessible from the site is the A17. The highway has

¹⁸ CLLP paragraphs 1.2.4 to 1.2.6

no footway by the site access and even if the vegetation on the verge would allow, it would not be safe to walk along the A17 to the Woodgate Lane junction¹⁹. Furthermore, crossing the A17 on foot at the junction requires considerable care, awareness and agility because of the speed of traffic and turning movements. The public footpath under the A17 is on the western side of the River Witham and of no assistance to access the appeal site.

44. With no footway it is not possible to walk safely from the site to the nearest bus stop in Beckingham, from where there is a limited service to Newark and Lincoln. The Call Connect service requires pre-booking and no confirmation was provided that the service would pick-up from the site. There is no cycle route along the A17 and cycling is not a safe option. In summary, travel to services relies on the availability and use of a private motor vehicle. Some residents said that because of their health they are unable to walk beyond the site and have lifts from family and friends. Residents may well get lifts but the reliance by occupiers on a vehicle to go anywhere could result in isolation and deter the promotion of social interaction and encouragement of informal recreation.
45. PPTS promotes access and ability to use medical or educational facilities in a broader sense than just the means of making a journey to the service. PPTS also accepts Traveller sites may be located in rural areas, which in turn indicates acceptance of reduced opportunities for sustainable travel. By all accounts the ability to have an address and a stable base makes booking appointments and use of health and welfare services much easier and with greater certainty. Similarly, taking up educational opportunities for children of all ages and regular attendance at school are encouraged by having stability in home life.
46. Various appeal decisions have been referred to by the appellants and the Council to support their respective cases. Conclusions are case sensitive depending on the characteristics of the site and area and the local policy requirements. The exercise of careful judgement by the decision maker is required on the issue of accessibility and in the overall planning balance²⁰. Consequently, whilst informative to a degree, they do not justify or direct a conclusion in this appeal one way or the other.

Conclusions

47. The sites are just on the limits of a reasonable travelling distance to primary health care facilities and schools. There is no realistic prospect of residents accessing healthcare or schools by walking, cycling or public transport with the existing highway infrastructure. The developments are not in full accord with Part Three criterion (f) of Policy S83.
48. The broader view on accessibility in PPTS provides some support for the proposed traveller caravan sites. Nevertheless, the inability to walk safely anywhere from the sites and the resultant dependency by occupiers on a private vehicle are serious disadvantages. When factoring in cumulative effects more families would be affected.

¹⁹ The appellants' landscape witness, when considering the public rights of way, described the prospect of walking along the grass verge of the A17 as 'extremely dangerous'. Appendix A LIVIA page 10

²⁰ WSP Appendices Appendix 18 paragraph 10. In this case the site was not accessible by foot and the Inspector concluded the site was poorly located because of the severing effect of the A508. In the overall planning balance the appeal was allowed and a personal planning permission was granted.

49. Safe and suitable access to the sites cannot be achieved for all users, resulting in a conflict with paragraph 110(b) of the Framework. The development is not supported by CLLP Policy S47 and Policy S53(4) regarding use of sustainable travel modes. This strong objection is inherent in the location of the sites and is not a matter that could be overcome by a planning condition.

Landscape, visual impact and design

50. The detailed policy requirements are primarily set out in Policy S53, where the most relevant themes to this issue are context, identity and nature. Proposals should satisfactorily assimilate the development into the surrounding area and make a positive contribution to the sense of place and character. PPTS identifies several matters related to delivering well planned sites, with adequate landscaping and play areas and appropriate boundary treatment.

Context

51. The landscape character is gently undulating, where woodland blocks and tall hedgerows have a strong influence on the sense of openness, enclosure and extent of views. Settlement is scattered and road patterns are winding and irregular.
52. In the locality of the appeal sites a mainly pastoral landscape prevails, a contrast to the more arable nature of the district. The Ministry of Defence firing range introduces a distinct land use and associated features and settlement, including the man-made bunds, tracks and security gates, and the low, functionally built accommodation blocks that date back some time. Its presence is neutral when considering the effect of the proposed development on landscape character because of the absence of any physical or visual relationship or interaction.
53. To the south Beckingham is a small compact village that retains much of its historic layout, built form and character. The church is a prominent landmark, its tower visible from the wider surrounding area. To the west the corridor of the River Witham, a peaceful, gently meandering watercourse, is enhanced by the mix of plant species along the banks. By contrast the A17, the primary route serving the area, now bypasses the village and the traffic noise is intrusive in the rural countryside setting. The road corridor and the strong tree belt along its southern boundary defines the northern edge of the settlement.
54. In the locality of Beckingham the public rights of way and their use probably are heavily influenced by the A17 and the military training areas. The public footpath northwards along the River Witham under the A17²¹ is unpleasant to walk along and then it becomes heavily overgrown, suggesting very little use. In views from Woodgate Lane the caravan sites are not readily visible due to the local topography and vegetation. Instead, the block of woodland to the west of the site and the military lands are visually dominant. On the site visit there were clear views of the wider site from the access road to the military ranges but this vantage point would be limited to military personnel. For most people awareness of the development would be when travelling along the A17.

²¹ Core Document 40

Proposals

55. The submitted proposals for Plot 13 and Plot 14 provide a limited level of detail on boundary treatment and surface materials for the service road, hardstanding and main access. Within the pitch the caravans and dayroom are shown positioned near the southern boundary, with access from a service road to the south. The appellants consider the details can be resolved through planning conditions.

Assessment Plot 13

56. Before any development took place the appeal site and the adjacent land was a field of grazing land, reflecting the pastoral landscape in the Terrace Sandlands character area and the agriculture landscape character zone identified by the appellant's landscape consultant. The strong landscape features were the hedgerow and woodland on the boundaries and the corridor of the River Witham to the west.
57. When compared against this lawful, baseline condition, the introduction of a small caravan site and the associated infrastructure would bring a harmful change in the character of the land use and the development would be incongruous with its open undeveloped surroundings. The long 8m wide service road and a widened, engineered access onto the A17 to serve an isolated site would be out of proportion and out of keeping with the rural character. The result would be an undesirable urbanising effect very close to the unspoilt river corridor.
58. The pitch is positioned some distance back from the frontage to the A17 and is well screened by the woodland and hedgerow vegetation along the northern edge to the highway. Provided this landscape feature is undisturbed the pitch probably would not be noticed by most people travelling along the A17. However, improvements to the access onto the A17 would make the access more prominent and signal the presence of development to passers-by. The caravans and fencing probably would be glimpsed from the footpath steps on the north west side of the highway but few residents or recreational receptors are likely to frequent this footpath. Overall, the low visual impact would be dependent on the retention of the frontage vegetation.
59. The submitted layout plan does not convey a well designed site and means of access that has taken full account of the local context. The plot would be towards the northern end of the wider site, not well related to the main access or boundary features. The grassed area indicated directly to the west of the pitch is not within the application site and little attention has been given to the interface with the River Witham. Within the pitch little thought appears to have been given to the siting of the proposed dayroom in relation to the static caravan, the incorporation of amenity space or space for children's play, arrangements for drainage and for storage of domestic refuse bins. The containment and boundary treatment of the service road serving the single pitch is unspecified.

Assessment Plot 14

60. Very similar reasoning applies to Plot 14. However, Plot 14 is not in such a sensitive position in relation to the River Witham.

Cumulative effect

61. The siting of Plot 13 and Plot 14 and the proposed access arrangements are to allow development of the wider site for use as a caravan site with 17 pitches.
62. The appellant group accepted that development of the wider site would have an adverse localised effect upon the landscape character. Attention was drawn to the good level of screening so that views into the site would be fleeting views by drivers moving at speed. The stated objective of the proposed landscaping is to soften the layout and contain adverse effects.
63. Based on a maximum of 17 pitches in the proposed very regular linear layout pattern, the land use change to residential would unacceptably increase the urbanising effect and erode the openness of the agricultural landscape around Beckingham. The very close proximity of the site to the River Witham corridor would detract from its peaceful, natural character. The proposed caravan site would not reflect the character of the village or the typical settlement and road patterns of the character area.
64. The main views of the overall development would be when travelling along the A17. The vegetation along the frontage of the wider site provides a good natural screen, although its effectiveness is likely to be less during the winter months when not in full leaf. The required improvement to the site access would necessitate the loss of some vegetation, whatever the scale of development. The addition of a sign identifying the site (as has happened) and related residential features near the entrance would further change the perception of the development and emphasise the encroachment of residential development into the countryside, whether with a small number of plots or all 17 plots. Road users are less sensitive receptors and views would be fleeting. However, residents of Beckingham would frequently pass the site and be very aware of the development when going to and from the village.
65. The implications and visual effects of the proposed acoustic bund and fencing are very unclear given the level of detail submitted. If sited to the north of a retained tree belt the visual impact of the acoustic mitigation would be experienced more by the residents of the site, especially those on plots 1 to 7, rather than by receptors with no connection to the development. A different siting could lead to a very intrusive feature.
66. The proposals over the land as a whole fall far short of demonstrating good design. The layout may be functional and effective but the high proportion of hard surfaced areas, both within the pitches and for the network of service roads, is not in keeping with the rural surroundings. The proposed number of caravans plus the dayrooms and parked vehicles would create a quite intense form of development, remembering the appellants wish the flexibility of having twin unit caravans. The illustrative landscape strategy indicates how more green space could be introduced working with a basic linear layout but detailed proposals and measures for implementation and future management and maintenance are not provided. In the illustrative scheme the Council's overlay plan shows that Plot 13 forms part of the proposed wetland scrape and damp meadow mix and area of tree planting along the river.

Planning conditions

67. It is common practice to control the number and type of caravans and require details of the site layout, hard and soft landscaping, boundary treatments and external lighting. The achievement of a good scheme on each pitch is constrained by their position on the wider site and the land available to the appellant. The matter is also closely related to requirements on biodiversity mitigation and enhancement. As it stands the proposals are unclear over what may be delivered, whether a good standard of development would be achieved and hence whether policy requirements can be met.

Conclusions

68. The proposals for Plot 13 and for Plot 14 fail to demonstrate good design, that the development(s) would be satisfactorily assimilated into the surrounding area and make a positive contribution to the sense of place and character. For these reasons the proposals conflict with Policy S53, national policy in PPTS and the Framework and therefore with Policy S83 Part Three criterion (a). The harm to landscape character and visual amenity would be at a fairly low level and localised for Plot 13 and limited and localised for Plot 14, reflecting the positions in relation to the river corridor. The larger scale development would result in a greater level of harm and emphasise the failings of the design approach.

Heritage assets²²

69. Beckingham Conservation Area extends over the historic core of the village. The significance is derived from the traditional architectural character and streetscape and the important open spaces, including the churchyard and the field known as the Poor Gardens east of School Lane. Important views focus on the tower of the church and along the main streets in the historic core. Once accommodating a range of essential trades and community services the village is now almost entirely residential. The strong tree belt along the northern boundary is effective in screening the village centre from the A17 and there is very little, if any, intervisibility with the lands to the north. The proposed development of Plot 13/Plot 14, whether alone or in conjunction with the additional proposed plots, would not affect the setting of, or views into or out of the Conservation Area.
70. The Church of All Saints in Beckingham is a grade 1 listed building. The history of the church dates to the 12th century and probably it was the manorial church. Latterly the church was of some local importance in religious life. The church then was rebuilt and the tower was added in 1450. The building was restored in the late 19th century. The parish church sits in a green space on the western side of the historic core, beyond which is the park of the former Beckingham Hall and the well wooded grounds of the Rectory, giving way to open countryside along the river. Historically the church has been physically separated from the countryside to the north by the main route through the village and the settlement north of Hillside/Chapel Street. The construction of the A17 bypass strongly reinforced this separation. Whilst the church tower is visible from the Land and Woodgate Lane, this factor is insufficient to persuade

²² This section is informed by Beckingham Conservation Area Appraisal October 2019 and the Official list entry for the Church of All Saints, Inquiry documents 5 and 6.

me the appeal site(s) and related lands are within the setting of the listed building.

71. In conclusion, no conflict arises with Policy S57 or national policy to conserve the historic environment. The effect on designated heritage assets is neutral in the planning balance.

Biodiversity

72. In summary, development plan Policy S53 sets out the standards expected from all development to make a positive contribution to the character and appearance of the environment within which it is located, including consideration of natural features and habitats. More specifically Policy S60 aims to (i) ensure developments minimise impacts on biodiversity, deliver measurable and proportionate net gains in biodiversity; (ii) protect habitats, species and sites of international, national and local importance, and (iii) protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat. Policy S61 focuses on biodiversity opportunity and delivering measurable biodiversity net gains.
73. The appeal sites together with the wider site are within an opportunity area for management of the green and blue infrastructure network identified under Policy 59²³. The expectation is that green infrastructure principles should be considered and incorporated into a scheme from the earliest stages of the design process. As set out in Policy S61 development proposals should create new habitats and links between habitats in accordance with the biodiversity opportunity area principles set out in Appendix 4 to the CLLP. The first principle is that proposals should avoid development on opportunity areas for management where possible. Where this is not possible, the development layout should ensure that connectivity of the network is maintained. The Council considers the land provides a habitat linkage between the two Local Wildlife Sites.
74. The River Witham Auborn to Beckingham Local Wildlife Site (LWS) is designated for its freshwater habitats and for its unimproved neutral grassland habitat. The Beckingham Ranges LWS supports a neutral grassland habitat, with additional habitats of semi-natural woodland, scrub, inland grazing marsh, associated river/ditch and small pools. Nearly all the triangle of land is outside the LWS designations. The reason(s) for its exclusion are not evidenced.
75. The ecological survey identified a priority hedgerow along part of the eastern boundary to the wider site, 3-4m in height, 4-5m in width and including species of hawthorn, blackthorn, elder, dog rose and ivy. The broadleaved woodland belt along the southern boundary of the development site also was identified as a habitat of principal importance, where tree growth was in excess of 5m in height with greater than 90% canopy cover. Tussock grassland was along the River Witham but was considered unlikely to qualify as lowland meadow or other priority grassland habitat types. Direct loss to the LWS had been avoided by the erection of post and rail fencing along the western boundary. No evidence of protected/notable species on site was observed during the survey, except for a range of common passerine birds. The adjacent lands were identified as offering suitable habitats for a variety of species.

²³ Inquiry Document 8

76. The appellants rely on planning condition(s) to avoid harmful impacts and to provide details of mitigation and/ or compensation measures in respect of habitats and species and to secure at least a 10% net gain in biodiversity. The ecological report considered a construction environmental management plan and landscape ecological management plan would be required to identify and mitigate the residual risks posed from indirect impacts to the River Witham LWS as well as identifying appropriate management measures to ensure a programme of ecological enhancement and restoration. The report also accepted a scheme for biodiversity net gain would require reasonable assumptions regarding the pre-development baseline value of the site based on the classification and condition of remaining habitats present cross referenced with pre-development imagery of the site. These recommendations were not Plot specific but applied to development of the wider site.
77. A full understanding of impacts, what may be achievable on individual Plots and through cumulative development relies on detailed proposals. The evidence to date indicates the siting of the proposed two pitches would not encroach into the two Local Wildlife Sites or result in the direct loss of priority habitats. The loss of grassland within the field excluded from the Local Wildlife Sites to create the pitches is unlikely to have been a significant loss and could have occurred through agricultural practices. Some vegetation loss may occur through more detailed proposals for the site access off the A17.
78. The retention of the hedgerow along the eastern boundary adjacent to the main service road would be essential to protect and screen the Beckingham Ranges LWS. This may require adjustment to the eastern edge of the service road shown on the layout plan to provide a green buffer. The careful design of external artificial lighting would be necessary because of a potential indirect impact on species including bats and otter. The intended approach to developing a scheme for biodiversity net gain is consistent with that outlined in the Council's guidance²⁴. The effects on the aquatic environment are uncertain and rely on resolving means of site drainage.
79. Without detailed proposals the position of Plot 13 in relation to the River Witham LWS is of some concern and there is a lack of clarity on how the planting of trees and /or hedgerow and enhancement of the River Witham corridor would impact on the site layout.

Conclusions

80. Insufficient attention was given to natural features and habitats, the integration of green and blue infrastructure and biodiversity net gain in the siting and design of the proposed developments. Based on the available 'post-development' evidence the formation and residential use of Plot 13 and Plot 14 as single pitches may have a small negative effect on habitats and there may be the opportunity for mitigation. Plot 13 is sited in the more sensitive position. The effect on the aquatic environment is uncertain. Ensuring impacts on biodiversity would be minimised and the delivery of measurable and proportionate net gains in biodiversity, whether for the individual plots alone or within a wider scheme, have not been demonstrated. Compliance with Policies S53, S59, S60 and S61 and criterion (a) of Policy S83 Part Three is not demonstrated.

²⁴ Delivering Biodiversity Net Gain in Central Lincolnshire April 2023, referred to in the Proof of Evidence of Aecom Limited

Drainage

81. Policy S83 Part Three criterion (e) requires the proposal to be adequately serviced, or capable of being adequately serviced, preferably by mains connections. Furthermore, the proposal should not conflict with other local or national policies relating to protection of the natural environment. These policy criteria need to be read alongside Policy S21 which states non mains foul sewage disposal solutions should only be considered where it can be shown that connection to a public sewer is not feasible. Development should contribute positively to the water environment and its ecology where possible and, in line with the requirements of the Water Framework Directive, should not adversely affect surface and ground water quality. The development plan requirements are consistent with the Framework and with the relevant Planning Practice Guidance on wastewater and water quality. The expectation of the CLLP is that drainage solutions should be factored into the development process as early as possible.
82. A water recycling centre/sewage treatment works (WRC) is adjacent to the wider site. Connection to the public network would enable the most preferable solution in policy terms to be achieved for Plot 13 and Plot 14. However, in March 2022 Anglian Water advised that Beckingham WRC is small and will struggle with any additional flow²⁵. Significant investment would be required and currently funding is not available. Given this position, connection to the public network would risk overloading the system and cause pollution. It would not be an acceptable solution from a planning point of view. Anglian Water supported the use of septic tanks and understanding the undesirability of issuing 17 permits suggested the use of one septic tank to serve the 17 pitches.
83. The discharge of effluent from a septic tank would be into the ground via an appropriate distribution system of filter drains and therefore could be a source of water pollution. No evidence has been provided to show the ground has adequate soakage characteristics or that an appropriate area of land for the percolation system, a drainage field, could be provided within the appellant's control. Significantly the evidence of the Environment Agency is that the geology of the site is mudstone, which is not permeable.
84. The other option is the installation of a cesspit, which appears to have been acceptable in Beckingham village. No evidence has been presented to demonstrate that a cesspit could be suitably sited within the pitch in relation to the caravans and would have adequate capacity, be properly watertight through its lifetime and have appropriate arrangements for emptying. Whilst a cesspit may be acceptable for one or a small number of pitches, the provision of this form of drainage for most or all plots is not a satisfactory solution and a coordinated approach should be adopted.

Conclusion

85. In the short/medium term the one available option for disposal of foul drainage is the provision of a cesspit on the pitch. Whilst not a preferred solution, and particularly for Plot 13 given its proximity to the River Witham LWS, it is not contrary to Policy S83 or Policy S21. The details would have to be approved as

²⁵ Core Document 32

part of a site development scheme because the siting of the infrastructure would be related to the siting of the static caravan and dayroom.

Noise

86. Policy S83 Part Three criterion (d) requires the proposal to provide an acceptable standard of amenity for the site's occupants. The PPTS expects proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of travellers. Applicable to all forms of development CLLP Policy S53 (7)(b) seeks compatibility between neighbouring land uses unless it can be demonstrated that the ongoing use of the neighbouring site will not be compromised, and the amenity of occupiers of the new development will be satisfactory. Policy S54 seeks positive mental and physical health outcomes through development proposals.
87. The Framework expects development to promote health and well-being, with a high standard of amenity for existing and future users, recognising the importance of location and potential adverse effects of noise pollution. Noise giving rise to significant adverse impacts on health and the quality of life should be avoided. The Noise Policy Statement for England (NPSE) promotes good health and a good quality of life through the effective management of noise within the context of Government Policy on sustainable development. The NPSE makes a distinction between 'quality of life', a subjective measure that refers to people's emotional social and physical wellbeing and 'health' which refers to physical and mental well-being. Planning Practice Guidance advises that when considering the acoustic environment decision makers need to consider whether or not a good standard of amenity can be achieved.
88. Against this policy context and with equality considerations firmly in mind, the acoustic environment on gypsy and traveller sites should be subject to the same standards as apply to the settled community. A roadside comparator is not acceptable or relevant in assessing permanent sites. This conclusion is consistent with that reached by Inspectors in appeals referred to by the Council and the appellants²⁶.
89. Traffic on the A17 and the activities carried out at Beckingham DTE are the sources of noise requiring consideration. The Nova report confirmed the adjacent water recycling centre was inaudible on site. On that basis the Council was satisfied this potential noise source in isolation does not raise any residential amenity concerns and I will not consider it further.

Road traffic noise

90. The Council's evidence cited the 2018 World Health Organisation (WHO) Guidelines on noise levels for traffic noise, which give a maximum average noise exposure of 53 dB Lden (daytime) and for night time below 45 dB Lnight. Noise levels above the guidelines are associated with adverse effects on health and sleep. The point is made that the noise standards in BS8233:2014 are based on the 1999 WHO Guidelines.

²⁶ Appendices to Council's hearing statement: Appendix 17 Appeal Decision APP/R2520/W/15/3130962 dated 1 March 2016 paragraph 12, Appendix 23 Appeal Decisions APP/Q3115/W/16/3156409, APP/Q3115/W/18/3205628 dated 13 January 2020 paragraph 46; WSP Appendix 5 Appeal Decision APP/C3105/W/18/3219199 dated 27 March 2020 paragraph 42

91. The Nova report places Plot 13 and Plot 14 within the green acoustic zone, reflecting a decrease in noise levels with distance away from the A17. At MP2 (roughly mid-way along the eastern boundary to the wider site) short term noise measurements were 55.0 LAeq,t dB. The day time LAeq sound level map places Plots 13 and 14 within the range 54-57 dB and the night time LAeq sound level map gives a range of 48-51 dB. Maximum night time levels were in the 63-66 dB range.
92. Based on the internal noise level analysis for a mobile home²⁷ the noise levels were predicted to be below the BS8233:2014 criteria during both the day and night time periods. As to the external noise level, the Nova report predicted a garden noise level of 55.0, compared to the BS8233 criteria of 50-55 dB, suggesting no minimum attenuation would be required.
93. The mitigation recommended by the Nova report is to control the noise between the source and the receiver by the installation of 2m close boarded fencing on top of a 1m high earth bund between 'the site' and the A17 road. The location of the proposed bund is well away from Plot 13 and Plot 14. Provided the bunding and fencing is installed as specified²⁸ internal noise levels are predicted to be reduced further. The predicted external noise level is given as 53.0 dB, within the 50-55 dB BS8233 criteria.
94. The acoustic evidence indicates that an acceptable standard of amenity for the residents of Plots 13 and 14 may be achieved without the bund as mitigation. The static caravan should be to BS standard to ensure a specified standard of sound insulation and ventilation. The proposed touring caravan would not be of a similar standard, but no analysis has been undertaken on internal noise levels. As a precautionary measure a planning condition could be imposed to preclude its use for sleeping accommodation. No noise assessment has been carried out for the proposed dayroom or for the static caravan with windows open to assist ventilation and cooling. The appellants' solution is the use of air conditioning or mechanical ventilation and use of the dayroom for cooking.
95. Considering development from a cumulative point of view, the inclusion of Plot 13 and Plot 14 would be a neutral factor. Plots 1 to 7 are in the area most affected by road traffic noise and where off-site mitigation in the form of the bund/fencing would be essential.

Beckingham DTE

96. Policy 84 is specific to Ministry of Defence (MOD) Establishments, including Beckingham DTE. Part Two of the policy states that development will not be supported where it would adversely affect military operations or capability unless those impacts can be appropriately mitigated in agreement with the MOD. This policy requirement recognises the importance of protecting the role and the ongoing use of these establishments, including their ability to adapt in accordance with MOD operational plans in the national interest.
97. The MOD explained that Beckingham is the Headquarters for the East Midlands and in their view is critical to military defence operations because of the three live firing ranges and the extensive dry training area there. The expectation is of a significant increase in the use of the ranges and training area in the near future because of the proposed new cadet training centre to be built at the DTE

²⁷ The Nova report sets out the assumptions underlying the calculation on pages 13 and 14

²⁸ The fencing must have a minimum surface mass of 10 kg/m² and should contain no holes or gaps

and the closure of RAF Halton in 2025. Currently live firing on the ranges can occur seven days a week, with night firing (1700-2300 hours) eight times a month. Dry training (including the use of blank ammunition and pyrotechnics) can occur at all times and takes place in the woodland area to the west of the River Witham.

98. All parties agreed that the CIEH Clay Target Shooting Guidance on the Control of Noise (the CIEH guidance)²⁹ is appropriate to apply in this case. The guidance measures noise from clay target shooting using the Shooting Noise Level (SNL) index. The measurement protocol requires duration of a continuous 30 minute period during shooting. A mean SNL, the arithmetic average of individual SNLs, is used to gauge annoyance. The number of individual SNL values depends on the purpose of the measurements. Both the Nova report and MOD use a single SNL, suggesting a degree of caution in interpreting the results.
99. The Nova report accepted that the calculated SNL of 61.0 would be a level where annoyance is likely to occur. However, the report reasoned the site would be suitable for residential development, drawing a comparison with other residential properties at similar distances to the firing ranges and assuming no history of complaints.
100. The MOD carried out monitoring on 25 January 2023 to test the validity of the Nova results. Data was captured when the 400m and 600m ranges were in use. The conditions were considered representative of firing activity and the associated noise that would be experienced by residents on the appeal sites. The calculated SNL was found to be 88.2 dB(A), a level where it is highly likely annoyance will occur.
101. The SNL presented by the appellants is significantly different to the SNL calculation of the MOD. The monitoring positions were not the same, MP3 being closer to the wider site and more shielded by the block of woodland to the west. However, the CIEH guidance is that in general trees offer little sound attenuation unless the tree belts are sufficiently deep as to give some sound reduction due to the distance involved³⁰. The expert evidence from the MOD was similar. The presence of the tree belt is unlikely to have affected results significantly. Of greater relevance the Nova SNL was derived from short term monitoring results over a single 30 minute measurement period, at a time when the period of firing activity was not continuous as the MOD explained. Even allowing for the purpose of the monitoring, the monitoring was insufficient to be representative of firing operations and environmental conditions.
102. According to the CIEH guidance research suggests that there is no fixed shooting noise level at which annoyance starts to occur. Annoyance is less likely to occur at a mean SNL below 55 dB(A), and highly likely to occur at a mean SNL above 65dB(A). The likelihood of annoyance at levels within this range will depend upon local circumstances. At Beckingham, the background noise level due to traffic on the A17 (55 dB as opposed to 45 dB in the

²⁹ Core Document 59 Clay Target Shooting: Guidance on the Control of Noise, Chartered Institute of Environmental Health, published January 2003

³⁰ CIEH Clay Target Shooting: Guidance paragraph 4.7 "In general trees offer little sound attenuation unless the tree belts are sufficiently deep as to give some sound reduction due to the distance involved. Trees can also be responsible for undesirable echoes and sound scattering effects. If it is felt, in a particular location, that a deep dense belt of trees may offer attenuation, this will require a thorough evaluation over varying weather conditions before final decisions are made and any conditions set."

guidance) is one possible factor, although the CIEH guidance commented that "closer examination of sites with relatively higher background levels is necessary before the role of background noise in relation to annoyance can be better understood."³¹

103. As to regularity and frequency of occurrence, MOD data over a three year period from 2020 to the end of 2022 shows that the ranges are by no means used every day and the occurrences of 'night time' activity were very small. However, the trend is of increasing levels of use across all three ranges. The probability is this trend will continue, with increased night time activity. Use of the dry training area could add to the amount of noise experienced but no detailed evidence was presented on its use from which to draw any conclusions.
104. In thinking about the likelihood of annoyance, the Nova comparison between the appeal sites and other nearby, but unspecified residential properties, is not helpful, not least because the houses in Beckingham are south of the A17. The CIEH guidance suggests research was inconclusive as to sensitivities in different communities³². There is no doubt however that the separation distances between the appeal sites and the firing ranges are well below the recommended minimum of 1km³³.
105. Taking into account all these considerations I conclude on the technical evidence that annoyance is likely to occur with the current activity at Beckingham DTE and annoyance is highly likely to occur in future. No mitigation is proposed in the Nova report in relation to shooting noise and activities on the MOD ranges and dry training area. Internal and external areas of the caravan sites would be affected to varying degrees.
106. The Nova work did not include noise emissions from the MOD facility in the modelling used to produce the noise contour maps and to inform the noise break-in assessment and external noise level assessment. The omission was based on a noise level of 55.0 dB $L_{Aeq,t}$ at MP2 and MP3, the closest measuring points to Beckingham DTE. The 55.0 dB figure at MP3 probably is an underestimate. The more appropriate reference figure in the Nova data was the SNL of 61.0, again probably an underestimate due to the length of monitoring period. Consequently, the sound level maps and the assessments are not fully representative of the acoustic environment.

Effect on neighbouring military use

107. Planning Practice Guidance puts the onus on the agent of change (here the appellant) to clearly identify the effects of current and permitted activities and to define suitable mitigation measures to avoid existing activities having a significant adverse effect on residents of the proposed scheme. The guidance explains this approach may not prevent all complaints but can help to achieve a satisfactory living or working environment and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed.

³¹ CIEH Clay Target Shooting: Guidance paragraph 6.1

³² CIEH Clay Target Shooting: Guidance paragraph 6.1 "For a given exposure level, community annoyance was found to vary significantly between shoots, but no particular shoot characteristics or socio-demographic variables were seen to be associated with the degree of annoyance. There is some suggestion in the data that different sensitivities exist in different communities and that this affects annoyance, but the causes of differing sensitivities are not clear."

³³ CIEH Clay Target Shooting: Guidance paragraph 4.2

108. The Nova report has not fully put into practice this approach in relation to Beckingham DTE, which could possibly increase the risk of complaints if not from existing residents but from future residents. The MOD operational activity is exempt from the statutory nuisance regime under the Environmental Protection Act 1990. Claims under the law of private nuisance can be made, although as illustrated by the case law referred to such claims are fact sensitive and success resulted when change of an exceptional nature occurred. However, a possibility is that complaints may put pressure on the establishment to modify training activities and to take reasonable steps to be a good neighbour, as has happened in the past. The likelihood of this occurring is less with a single plot than with a number of pitches and therefore is a more significant factor when considering the proposed developments on a cumulative basis.

Other considerations

109. A person's tolerance of noise and the likelihood of disturbance are affected by a range of factors, including the nature of the noise, the time, duration and frequency and the character of the area. Residents in their oral evidence said they were not bothered at night by noise or when outside. However, I need to be mindful that permission usually runs with the land, occupation can change and may well be a home for children, young adults and others who have not had a lifetime of travelling and roadside living.

Conclusions

110. A residential caravan site is a noise sensitive use. The data demonstrates that the acoustic environment of Plot 13 and Plot 14 is adversely affected by two sources of noise, each source having quite different characteristics. The acoustic evidence indicates noise from the MOD facility is most likely to have an adverse effect on amenity, whereas road traffic noise would be much less significant and not a significant constraint. The introduction of a residential use in close proximity to the MOD facility would not be compatible with the aim of promoting good health and a good quality of life and should be avoided.

111. The proposals fail to comply with criterion (d) of Part Three of Policy S83, Policy S53 (7)(b) and Policy S54. The proposal would not achieve the standard of amenity and the effective management of noise sought through policies in the Framework and the NPSE. The probability of military operations or capability being adversely affected by a caravan site on Plot 13 or Plot 14 is very low and would be more likely from cumulative development. Even so, Policy S84 is not supportive of the changes of use to form these two plots.

Intentional unauthorised development

112. The Government policy on intentional unauthorised development was confirmed by a Written Ministerial Statement in December 2015 and has remained in place after the publication of the Framework. The policy was in response to concern about the harm caused, particularly in the Green Belt, where development is undertaken in advance of obtaining planning permission. Where this occurs there is no opportunity to appropriately limit or mitigate harm and a planning authority may have to undertake expensive and time-consuming enforcement action. Section 73A of the 1990 Act allows for planning permission to be sought and granted retrospectively but the policy introduces an aspect of intent.

113. In terms of the chronology, Council officers attended the site during the morning of 21 December 2021. Some hardcore had been laid and eight touring caravans had been brought onto the land. The Council say that in accordance with normal practice the officers advised those present to cease work. A temporary stop notice was served later in the day and on 23 December an *ex parte* injunction was obtained by the Council that prohibited further building/engineering works taking place and additional caravans being brought onto the land. A total of 17 planning applications were submitted on 30 December, the forms stating development commenced on 20 December 2021. The Council considered the applications were incomplete and after receipt of the requested information they were validated on 3 February 2022.
114. A second temporary stop notice was served on 17 January 2022 after the court refused to extend the injunction. Following further court proceedings an injunction was secured by consent, dated 7 February 2022. An additional 6 touring caravans and associated hard bases were allowed, together with temporary washing facilities. Therefore a total of 14 touring caravans are permitted across the wider site. Time was allowed for the planning applications and any appeals to run their course.
115. Mr Kevin Clee accepted he was aware of the early activities on the site and that planning permission was needed. Planning applications were submitted with a view to regularising the development. However, Mr Kevin Clee could not have participated directly in carrying out the works because he said he was in hospital at the end of December 2021 and early January 2022.
116. The Council reported last seeing Mr Luke Clee on the land in February 2023 but provided no details on his early involvement. The submission of a planning application and appeal on his behalf suggests his knowledge of the establishment of the site and that the development was unauthorised.
117. In conclusion, intentional unauthorised development occurred and involved pre-planning. The laying of substantial amounts of hard core to create pitches, service roads and access over most of the field resulted in a significant physical change and a loss of vegetation at the least. No prior engagement took place with the local planning authority to explore planning constraints and requirements. Use of a sub-standard access has been ongoing and environmental harm has occurred. This policy consideration has a moderate amount of weight in each appeal, with more limited weight in the human rights assessment for Plot 13.

Other Matters

Scale

118. The Council is concerned the scale of the cumulative proposals would not respect the scale of the settled community in Beckingham, having regard to the CLLP spatial strategy and settlement hierarchy, PPTS policy on new traveller sites in open countryside and the preference expressed in the GTAA³⁴ for small family sites.
119. Clearly the 'scale' issue does not apply to Plot 13 or Plot 14 alone and the Council's evidence is related to a 17 pitch site. A new caravan site with 17 homes would be above the limited growth anticipated within or adjacent to

³⁴ Gypsy and Traveller Accommodation Assessment Final Report February 2020

Beckingham village to support its role and function as a small village within the settlement hierarchy (Policies S1 and S4). Having said that, some Traveller sites in Central Lincolnshire have a similar number of pitches and there is encouragement in Policy S83 for expansion of existing sites to accommodate multi-generational households. In view of these considerations, the cumulative effects depend on the effects of the development and whether it would fit harmoniously with its surroundings.

Energy efficiency

120. Policy S7 of the CCLP requires all new residential development proposals to include an Energy Statement to demonstrate how the set standards of performance and the Policy S6 design principles for energy efficient buildings would be met. The 'exceptional basis clauses' do not exempt traveller accommodation from meeting this requirement.
121. The policies are directed towards buildings erected on housing sites rather than caravan sites but I agree with the Council that the energy performance of the static caravan and dayroom should be considered. Compliance should be demonstrated prior to a decision rather than submission and approval of an energy statement being dealt with through a planning condition.

Other Policy S83 requirements

122. The proposal for Plot 13 or Plot 14 does not conflict with other local or national policies relating to flood risk, contamination, or agricultural land quality. The site plan shows sufficient space for vehicle manoeuvring and parking within the pitch, although this would be subject to confirmation through submission of additional details on layout. In view of the location of the pitch there would be no effect on the amenity of nearby residents through overlooking, overshadowing, loss of light or increase in artificial light or glare.

Location of alternative sites

123. The appellant considers that weight should be given to the likely location of new sites in the countryside. The implication is that new sites to meet need would result in harm to the countryside, a conclusion that is unsupported and over-generalised. Policy allows for traveller sites in a countryside location. Given experience to date and the strategy in Policy S83 for meeting needs, acceptable sites in the countryside will be delivered. The matter has no weight in the planning balance.

Need for and supply of traveller sites

Policy and CLLP process

124. Meeting the accommodation needs of Gypsies and Travellers and Travelling Showpeople in Central Lincolnshire is addressed through Policy S83³⁵. The policy was informed by a Gypsy and Traveller Accommodation Assessment Final Report February 2020 (the GTAA) and a subsequent report Central Lincolnshire: Meeting the Accommodation Needs of Gypsies and Travellers dated April 2021 (the 2021 Report).
125. The GTAA identified a need for a total of 41 additional pitches between 2019 and 2040. This need is in respect of an ethnic based definition of Gypsy and

³⁵ Policy S83 also covers the needs of Travelling Showpeople but my focus is on Gypsies and Travellers

Traveller, as opposed to the definition in Annex A to the PPTS, which was found to be discriminatory in the *Lisa Smith* judgement³⁶. This need is broken down into 5 year periods, identifying a need to 2024 of 5 pitches. Beyond this a further 10 pitches are required from 2024-2029, 11 from 2029-2034, and 15 from 2034-2040.

126. The CLLP, in Policy S83 sets out a strategy to meet this identified need and to supply additional pitches. In summary, the components of the strategy are to resist the loss of existing sites, to support in principle proposals to extend existing sites or to provide additional pitches within an existing site, the allocation of two sites for Gypsy and Traveller use and consideration of proposals for new sites on their merits against the stated criteria, including a positive approach towards windfall sites.
127. The CLLP was adopted in April 2023, having undergone the required consultation and examination. Through the examination process the appointed independent Inspectors had a duty to assess whether the plan had been prepared in accordance with legal and procedural requirements and if it was sound³⁷. An Inspector's role is not confined to considering representations.
128. The Inspectors identified eleven main issues upon which the soundness of the Plan depended. Gypsy and Traveller accommodation was considered as part of Issue 7 "Whether the policies relating to the type and mix of housing are justified, effective and consistent with national planning policy".³⁸ The Report concisely dealt with the two key matters and explained (i) why a modification was required to the policy in order to increase the need for additional pitches from 32 to 41 over the period 2019 to 2040, and (ii) why the needs of Gypsies and Travellers will be met over the plan period³⁹. To suggest, as the appellants do, that regard was only given to the *Lisa Smith* judgement and scrutiny was absent, misrepresents the examination process.
129. The serious accusation that the Inspectors did not carry out examination of the evidence base on the topic with due diligence and the necessary scrutiny is without foundation and is not a matter to be pursued through the current appeals.

The GTAA

130. The research undertaken drew on a number of data sources and included consultation with a range of stakeholders and surveys of Gypsy and Traveller families where there was a high 91% response rate. This approach is consistent with that outlined in the PPTS. The GTAA was an important part of the evidence base for the CLLP and was accepted to be robust. A detailed critique and re-examination of the GTAA is not merited. Nevertheless, I will address matters raised in the appellants' submissions on need and supply, starting with the approach taken by the GTAA towards in-migration and cross boundary issues.
131. The GTAA considered the results of GTAA's undertaken by neighbouring and nearby local authorities specifically in relation to need and travelling patterns. The indication was of some accommodation need throughout the region but

³⁶ *Smith v Secretary of State for Levelling Up, Housing and Communities & Others* [2022] EWCA Civ 1391

³⁷ The four tests of soundness are set out in paragraph 35 of the Framework.

³⁸ Core Document 7 Central Lincolnshire Local Plan Review, Inspectors' Report, March 2023 page 49. Appendix 13 to the Hearing statement indicates some of the questions raised by the Inspectors to inform an examination hearing session and the final report.

³⁹ Core Document 7 paragraphs 238 and 239

none of those GTAAAs suggested an accommodation need arising in their area should be met within Central Lincolnshire. The statutory duty to cooperate was a matter addressed through the local plan process. The Statement of Common Ground included the agreement that Central Lincolnshire will meet all of its housing and employment needs and is not tasked with meeting unmet needs from elsewhere⁴⁰. The Inspectors concluded that the duty to cooperate had been met and from my point of view that is final. Nothing the appellants have said persuades me that specific traveller site provision should be made in Central Lincolnshire to accommodate need arising in Newark and Sherwood.

132. It is worth restating that the CLLP is a joint local plan covering three local authority areas. Likewise, the GTAA covered the three local authority areas. In assessing current residential need for the period 2019-2024, the GTAA looked at a number of potential demands, including new family units expected to arrive from elsewhere. A net inflow of 0 units in the study area is entered into the need table. The rationale was that in the absence of any data derivable from primary or secondary sources (beyond anecdotal evidence) on the moving intentions of those outside the study area moving into the study area, as in the case of those moving out of the area, it was assumed that the inflow of Gypsies and Travellers into the area will be equivalent to the outflow. Together these amount to a net inflow of 0 units in the study area. The consultation with stakeholders across Central Lincolnshire and neighbouring authorities and the survey work informed this conclusion. No past trend of in-migration was identified and the picture from the survey work and consultation with families residing in the study area is of a stable population.
133. The GTAA presents data on unauthorised encampments from two sources over the whole study area. The MHCLG data, considered by the GTAA to be of limited accuracy, showed a very slight upward trend in the number of caravans (to 16) over the period January 2016 to July 2019. The more detailed data from Lincolnshire County Council showed variation in the number of unauthorised encampments recorded per year, with a maximum of 17 in the period 2017/18 and 12 in the 2016/2017 and 2019/20 periods. During the GTAA survey in December 2019 there were no households surveyed on unauthorised encampments within the study area, although there were two pitches on an unauthorised development.
134. Using this data, the estimate of the current residential need for permanent residential site pitches 2019-2024 included 2 pitches for family units on unauthorised developments. No pitches were entered for family units on unauthorised encampments. However, the stakeholder consultation indicated the lack of transit provision is one of the main reasons unauthorised encampments take place. It follows that the GTAA addresses the unauthorised encampments under the heading transit provision and not as part of the need for additional permanent pitches. The GTAA recommended the three Central Lincolnshire authorities adopt a negotiated stopping policy. There is no evidence in the appellants' reasoning that causes me to question the GTAA analysis.
135. The GTAA, particularly through the household surveys, identified that some multi-generational households were overcrowded and in need of additional pitches. This results in a need of 4 pitches in the first five year period. The

⁴⁰ See Inquiry Document 10

break down into the three local authority areas shows this need occurs in West Lindsey. The appellants consider overcrowding also occurs in North Kesteven on the Paddocks and Poplar Meadows sites, based on a comparison of two aerial photographs dated April 2018 and 2023 and information on the planning history. The purported high level of touring caravans is regarded as representing doubled up or overcrowded pitches. It is concluded the GTAA failed to account for at least 10 concealed households in North Kesteven District.

136. In my view this supposition related to a date in 2023 does not provide robust evidence to conclude the GTAA underestimated need, remembering the GTAA findings were derived from extensive face to face on-site household surveys carried out towards the end of 2019. Clearly the GTAA final report dated February 2020 could not take into account information, events or activities that post-dated its completion, such as the caravan count figures for July 2022, also referred to by the appellants.
137. Turning to the supply side of the equation, the current residential supply includes 18 available 'unused residential pitches', of which 4 are on a private site in North Kesteven. The appellant considers these 4 pitches cannot be relied on because 'unused' does not necessarily result in available sites. I note that although the word 'unused' is in the description for the Tables, the word 'vacant' is the descriptive word in the commentary text in the GTAA. These 4 pitches were identified through the survey work on the ground and the appellants produce no factual evidence to contradict the GTAA. There is no justifiable reason to exclude these 4 pitches from supply.
138. Another category of supply is 'number of residential pitches expected to become vacant'. A supply of 2 pitches was derived for the period 2019 to 2024 based on mortality rates. The appellants were troubled by the inclusion of this source of supply. I consider there is nothing objectionable to including 2 such pitches, although they may not fall within the 'deliverable' category.
139. There are 11 residential pitches planned to be built or be brought back into use, 2019-2024. I am satisfied from the explanation in the GTAA that these pitches are justifiably included. The test for their inclusion is not that they should be available to the appellants to move to now.
140. The GTAA indicated a local target of 5 pitches for the first five years of the plan period and 10 pitches for the period 2024-29 (ethnic definition). After the 2020 GTAA was concluded the supply of pitches was updated to take account of subsequent planning permissions⁴¹. This information was available to the CLLP examination process⁴².
141. There is no evidence on the planning history to support the appellants' assertion the permission reduced the number of caravans on the Piggeries site. The description of development and the brief comments in the Council's evidence⁴³ indicate permission was granted for the number and type of caravans applied for. A second permission for 12 pitches, although granted retrospectively, illustrates acceptable windfall sites can contribute to the overall stock of traveller pitches. The GTAA data indicates the previously unauthorised

⁴¹ Core Document 4 Central Lincolnshire: meeting the Accommodation Needs of gypsies and Travellers April 2021

⁴² Appendix 13 to the Hearing statement; Core Document 6 Central Lincolnshire Examination Note on Gypsy and Traveller Provision 12 December 2022

⁴³ Proof of N Feltham at paragraph 4.15

development on this site in West Lindsey did not exist in December 2019. An additional 5 pitches on land off Laughton Road, Blyton (also listed in the supply update) demonstrates a successful expansion/intensification of an existing site.

Conclusions

142. The GTAA was a robust evidence base to establish accommodation needs to inform the preparation of the CLLP and make planning decisions. In producing the CLLP a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the locally set target was identified. Recent planning permissions demonstrate the success of the approach in Policy S83 to providing additional pitches. The CLLP was adopted in April 2023 and so an annual update of the 5 year supply is not due until next year. That would be the appropriate time to review the requirements for residential pitches over the period 2024 to 2029 and the assumptions in the GTAA underlying the 2024 base figures.
143. The current need of the appellants and the appellant group for a permanent site was not identified in 2020 within Central Lincolnshire and hence their needs were not included in the locally set target. In accordance with the CLLP strategy meeting their need within the District would be through identification of a windfall site that satisfies the Policy S83 criteria.
144. The probability is that a significant need for additional traveller sites exists across the sub-region. The progress, or lack of progress, of the relevant local authorities in bringing forward a supply of sites to meet outstanding needs should be evidenced based and not reliant on assumptions by the appellants' planning witness. There is also a generally recognised national need for traveller site.

Personal need, alternative sites and family circumstances

145. The written statement of Mr Kevin Clee explained he, his wife Sunshine Clee and four children live on Plot 13 and 14 and his brother Luke Clee (appellant of Plot 14) lives on Plot 10. Health issues within the family were outlined, together with the hoped for benefits if they could continue to live on the site. A return to the roadside would be very difficult for them. In his oral evidence Mr Clee confirmed he owns Plot 13 but no other land on which they could live. He explained more about his employment, current family circumstances, difficulties of living on the roadside and his knowledge of others on the wider site.
146. The Council's general position is that there are pitches available in the District and there is considerable doubt about the appellants' claim they inevitably would be made homeless if the appeal is dismissed. Reference is made to the 'churn' in ownership and occupation across the wider site. Attention was drawn to the lack of information provided by the appellants and reliance had to be placed on high level details obtained through a welfare assessment carried out by officers. More specifically, the Council disputed that Kevin Clee, Sunshine Clee and their family occupied Plot 13 and Plot 14.
147. A permanent site may be expected to be beneficial to the health and welfare of the family and promote equality of opportunity through stability in education and home life. However, the position is not as straight forward as initially indicated in the written statement. The family have had permanent

accommodation in the past and currently appear to have strong links to the West Midlands. The evidence was not conclusive that they rely on Plots 13 and 14 for accommodation. Personal need, lack of alternative site and family circumstances do not weigh strongly in favour of Plots 13 and 14.

Mitigation and planning conditions

Statutory provisions and policy

148. The general power to impose planning conditions when granting planning permission is in section 70(1) of the 1990 Act. Section 72(1)(a) provides for conditions to be imposed on the grant of planning permission for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made), or requiring the carrying out of works on any such land, so far as expedient for the purposes of or in connection with the development authorised by the permission.
149. Planning Practice Guidance advises that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effect. Planning conditions should be kept to a minimum, and only be imposed where they meet the six tests. Conditions that place unjustifiable and disproportionate financial burdens on an appellant are not reasonable.
150. Planning Practice Guidance also states conditions cannot require that land is formally given up (or ceded) to other parties. Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition).

Proposed conditions

151. The lists of conditions prepared by the Council and by the appellant group were discussed at the inquiry and as a result amended lists of conditions were submitted⁴⁴. The two lists cover similar matters, although there are significant differences in the detail of the wording of some conditions. Various matters were addressed by the Council and the appellants in their closing submissions.
152. Conditions are appropriate to control the number and type of caravan on the pitch, to limit occupation to Gypsies and Travellers, to exclude business activity and the parking of larger commercial vehicles on the appeal site and to maintain the required highway visibility splay free of obstruction.
153. As regards outstanding or to be amended proposals, the appellant group rely on a planning condition as the mechanism for the provision and approval of a site development scheme for each site. The scheme is intended to cover improvements to the main site access, the internal layout of the site, hard and soft landscaping, external lighting, acoustic mitigation (for the static caravan and the provision of an acoustic barrier), surface and foul water drainage, biodiversity net gain plus avoidance, mitigation, and or compensation⁴⁵. The

⁴⁴ The appellants provided a list of conditions for a temporary permission.

⁴⁵ The wording of the proposed condition was the same was all appeals/Plots.

Council's condition covered the same matters but also included an energy statement, which I understand to be acceptable to the appellant(s).

154. In general, such matters are capable of being dealt with by condition, as illustrated in various appeal decisions submitted by the appellant. However, the CLLP expects design solutions to be factored into the development process as early as possible with a view to achieving good design. As decision-maker on the acceptability of the proposed material change of use, I have considerable concern about the number of important matters to be resolved through a site development scheme and lack of clarity over proposed solutions. Uncertainty on whether a condition can be discharged, raised in the closing submissions on behalf of the appellant group, is a different matter.
155. The unsatisfactory position is reinforced by the approach to pursue individual development sites and the inconsistency with the supporting technical reports. The recommendations on design and mitigation in the ecological report and the Nova report and the illustrative landscape strategy were directed at a single development covering all the Land, not individual pitches and the associated length of service road. A comprehensive approach is more likely than a piecemeal approach to produce a well planned development with enhancements to the environment and promoting opportunities for healthy lifestyles. Whilst verbal assurances were given at the inquiry that residents would work together and support one another if necessary, this is not an acceptable way forward and enforceable mechanisms are required. I place no reliance on the potential for coordinated proposals for the wider site.
156. As noted earlier the application sites are tightly defined around the pitch, the internal access road and main site entrance. As far as the evidence shows the appellants do not control any land outside the defined sites. Bearing in mind each proposal is for a single pitch, the scope of mitigation in terms of landscaping and biodiversity would have to be relevant, necessary and reasonable to that development. The provision of acoustic mitigation could only reasonably relate to each plot. With the appellants' proposed condition, a scheme of surface water drainage should be based on sustainable drainage principles and include management and maintenance arrangements. No explanation was given on the anticipated scope or form of such a scheme to assist in assessing whether the condition would be reasonable.
157. There was acceptance by the main parties that development has begun and a permission would be granted retrospectively. In this situation it is not possible to use a Grampian negatively worded condition to secure the approval of and, if necessary, implementation of works before the development or occupation takes place. A condition would have to be worded with a strict timetable for compliance of submission of the required details (the appellant is seeking 6 months), allowance of 11 months for a decision by the local planning authority and the possibility of an appeal. The process could take up to two years or so. As it stands the timescale for implementation of any approved scheme is unknown.

Sunset Park Homes example

158. In the appellants' bundle of appeal decisions the Sunset Park Homes case⁴⁶ was regarded as being the most comparable to the appeal proposals and was

⁴⁶ WSP Appendix 19

referred to by their planning witness on numerous occasions in oral evidence. The case also was used as an example in terms of approaching the application of conditions in a situation where there are multiple application/appeal pitches forming a wider cohort of development.

159. The Inspector explained there were 21 appeals each relating to a different Plot on the wider site comprising all 21 Plots. The planning history of Sunset Park was extensive, so that in total the appeal sites had a permitted use for 21 static caravans/mobile homes, one on each of the plots and a maximum of 28 touring caravans. The proposal was to increase the number of static caravans to a total of 85 in accordance with the individual planning appeals. No provision was made for any touring caravans on any of the Plots. The development proposed in each appeal was worded Retention of x no. static caravans, reflecting the fact commencement had taken place.
160. The Inspector concluded the proposed developments would be environmentally, socially and economically sustainable and would comply with the development plan as a whole. It was not necessary to take account of the personal accommodation needs of the occupants of the Site. Regarding planning conditions, the site development scheme in all cases was to comprise the internal layout of the site, means of foul and surface water drainage and water supply, external lighting, provision of an electric vehicle charging point and a scheme to achieve biodiversity net gain. Details of landscaping were only required in the scheme for Plots 1, 1A and 2 to address the Whitfield Road frontage. A landscape strategy formed part of the proposals and modification of front boundaries agreed. The Inspector was satisfied it should be possible to accommodate the proposed landscaping in a manner similar to the strategy.
161. This summary highlights the case differed significantly from the current appeals. The proposals were not for material changes of use of agricultural land to caravan sites. Residential development already existed, served by an acceptable means of access. The number of issues in dispute were fewer and were not of a technical nature. The anticipated mitigation was not so extensive or interrelated between plots. Reliance could be placed on the submitted landscape strategy. The planning balance was firmly based on compliance with the development plan and there were no inconsistencies in information on land ownership or control of land. All matters considered, the approach followed in the Sunset Park Homes case is not directly applicable to the greater complexity of the current appeals.

Planning balances

Plot 13

162. The CLLP is up to date and has a strategy in place to increase the number of traveller sites in appropriate locations, to address under provision and maintain an appropriate level of supply. New sites are considered on their merits against the criteria in Policy S83 Part Three.
163. Summarising my conclusions, the provision of an adequate and safe vehicular access at the junction of the service road and the A17 is dependent on submission of a detailed scheme and compliance with a planning condition. There would be a slight risk to highway safety by reason of the highway layout and restricted right turning movements at the site entrance. In terms of accessibility the site is on the margins of being in a reasonable travelling

- distance to primary health care facilities and schools. Realistically all trips to and from the site would have to be by car.
164. The proposal is not well designed or sited. Harm to landscape character and visual amenity would be at a fairly low level and localised. The scope for mitigation and enhancement through landscaping is limited. The formation and residential use of the single pitch may have a small negative effect on biodiversity. However, minimising impacts and the delivery of proportionate net gains in biodiversity has not been demonstrated. The preferred solution for the disposal of foul drainage is not possible and a less desirable option would have to be adopted.
165. Road traffic noise could be mitigated but the residential use is not compatible with the MOD facility close by because of the harmful noise impact on living conditions. An adverse effect on military operations is possible also. An energy efficient proposal has not been demonstrated. The effect on designated heritage assets is neutral. Matters such flood risk, circulation and parking within the site and neighbour amenity do not give concern.
166. The strong objections to granting a permission cannot be overcome by imposing planning conditions. The proposed traveller site is not a well planned, sustainable form of development in an appropriate location. The proposal when considered on its merits fails to comply with Policy S83 Part Three, Policy S53, Policies S59, S60 and S61, Policy S7 and Policy S47 regarding use of sustainable travel modes. Policy S84 Part Two (military establishments) is not supportive of the development. No policy conflict arises in terms of Policy S57 (historic environment) and Policy S21 on disposal of foul drainage (subject to compliance with a condition). In conclusion the proposal fails to comply with the development plan when read as a whole. Intentional unauthorised development adds a moderate amount of additional weight against the proposal.
167. In support of the proposal, national need and sub-regional need for additional pitches has moderate weight. The proposed pitch would make a minor addition to pitch supply and in so doing would facilitate the Gypsy way of life and promote equality of opportunity. By providing a home, the site contributes to the social objective identified in the Framework and PPTS. A personal need for a site, the lack of an identified alternative site and family circumstances have moderate weight.
168. However, in the context of national policy, the site is not in an appropriate location to promote the health and well-being of the occupiers and the proposal is not well designed. As a result the development does not perform well in meeting environmental, social and economic objectives. Policy conflict occurs when the proposal is assessed against the locally specific criteria. The use of planning conditions could offer mitigation but the evidence fails to demonstrate a good standard of development would be delivered and the identified harms would be successfully addressed. Sustainable development would not be achieved and the proposal fails to comply with the Framework and PPTS. To grant a planning permission for an unacceptable site in an inappropriate location would be unlikely to foster good relations between the occupiers and the settled community.
169. The balance is against the material change of use both in terms of the development plan and national policy. A personal need for a site, the lack of

an identified alternative site and family circumstances do not weigh strongly in favour of the proposal. My initial conclusion is that the proposal is not acceptable, whether in terms of a permanent planning permission or a personal permission. Consideration of the plot's contribution to harmful cumulative effects reinforces this conclusion.

Plot 14

170. Very similar conclusions apply to Plot 14 and so will not be repeated. The pitch would be sited in a slightly less harmful position in terms of the effects on landscape character and biodiversity but this factor makes no difference to the overall planning balance and conclusion.

Human rights and proportionality

171. The current stated intention is for the Clee family to occupy Plots 13 and 14. If the appeals are unsuccessful the family's Article 8 rights are engaged and the interference would be significant. The interference would arise from exercising a statutory function and be in accordance with the law in order to protect the environment through the regulation of land use.
172. The fair balance will be approached by considering the family unit across the two pitches. Recently home life has been disrupted by instability in accommodation and the family have had anxieties related to health issues. The plots offer the opportunity of a secure home base close to family and friends in Newark, valuable for the children's health, education and wellbeing.
173. The public and community interest centres on the regulation of land use in accordance with a statutory framework. The purpose of the planning system is to contribute to the achievement of sustainable development by fulfilling environmental, social and economic goals. The CLLP is up to date and consistent with national policy in providing for sustainable growth whilst enhancing the area's environmental assets and natural resources. The proposals would not be sustainable forms of development in an appropriate location.
174. The evidence related to private and family life and the home was not entirely consistent or supportive of the need for these two pitches. The inevitability of a roadside existence was not supported by the information. Balancing the considerations and best interests of the family against the identified public interests, I conclude the interference is necessary and proportionate to safeguard the wider public interest.

Temporary planning permission for Plots 13 and 14

175. The means used to impair an individual's or family unit's rights must be no more than necessary to accomplish the public interest aims. The primary reason advanced for a temporary permission for three years is to avoid the appellant and his family losing their homes almost immediately if permanent planning permissions are not granted.
176. To require all the details and works associated with a permanent permission would be unreasonable. Mitigation would have to be limited in scope and appropriate to the short time period involved. Foul and surface water drainage is the one matter proposed to be covered by a site development scheme condition. Otherwise, the probability is over the three year period the current

below standard access would continue in use, habitat and landscape features would not be protected, no biodiversity gain would be achieved and harm to countryside character would continue. No noise mitigation would be secured. Residents would be able to get to services and facilities only if they had access to a car. The sites are not in an acceptable location and considerable harm would continue, albeit for a time-limited period. No restoration scheme has been submitted and no reliance can be placed on achieving environmental gains. In view of the condition of the sites at the time of the site visit, some additional works would be required to make movement around the pitches safe and to provide an acceptable level of amenity. I also have to keep in mind that temporary permissions for this and other pitches would increase the level of harm over the time limited period (the cumulative effect).

177. Positive benefits resulting from a temporary permission would be small given that there is no shortfall of sites when measured against the locally set target in Central Lincolnshire. The personal need of the appellant and his family has not been fully substantiated. Without a specifically worded condition (which was not provided) there would be no certainty that other residents on site who may need a pitch would occupy one or other of these plots.

178. To conclude, in respect of each plot a time-limited permission is contrary to the development plan and national policy. Other considerations are of insufficient weight to justify permission(s). All matters considered, including human rights, the best interests of the children and the PSED, it is necessary and proportionate to dismiss the appeals. A temporary permission (including a three year personal permission) is not justified.

Conclusion

179. For the reasons given above the appeals will be dismissed. These outcomes are necessary and proportionate and will not violate the human rights of the appellants or the occupiers. Having due regard to the PSED, the decision is proportionate to achieving the legitimate planning aims.

FORMAL DECISIONS

Plot 13 Appeal Ref APP/R2520/W/22/3300586

180. The appeal is dismissed.

Plot 14 Appeal Ref APP/R2520/W/22/3300594

181. The appeal is dismissed.

Diane Lewis

INSPECTOR

APPENDIX 1: LIST OF APPEALS

Reference	Case Reference	Appellant
Appeal Plot 1	APP/R2520/W/22/3300464	Ms Michelle Price
Appeal Plot 2	APP/R2520/W/22/3300490	Ms Nicole Price
Appeal Plot 3	APP/R2520/W/22/3300497	Mr Alan Knight
Appeal Plot 4	APP/R2520/W/22/3300505	Mr Alan Knight
Appeal Plot 5	APP/R2520/W/22/3300513	Mr James Evans
Appeal Plot 6	APP/R2520/W/22/3300520	Ms Beryl Price
Appeal Plot 7	APP/R2520/W/22/3300522	Mr Danny Price
Appeal Plot 8	APP/R2520/W/22/3300527	Ms Naomi Varey
Appeal Plot 9	APP/R2520/W/22/3300540	Mr Michael Pemberton
Appeal Plot 10	APP/R2520/W/22/3300559	Mr Drewey Price
Appeal Plot 11	APP/R2520/W/22/3300567	Mr Billy Joe Loveridge
Appeal Plot 12	APP/R2520/W/22/3300580	Mr Steve Finney
Appeal Plot 13	APP/R2520/W/22/3300586	Mr Kevin Clee
Appeal Plot 14	APP/R2520/W/22/3300594	Mr Luke Clee
Appeal Plot 15	APP/R2520/W/22/3300606	Mr Linchum Price
Appeal Plot 16	APP/R2520/W/22/3300612	Mr Douglas Price
Appeal Plot 17	APP/R2520/W/22/3300619	Mr Douglas Price

APPENDIX 2

APPEARANCES

FOR THE APPELLANT:

Scott Stemp	Barrister, instructed through direct access
He called	
Brian Woods BA MRTPI	Managing Director WS Planning & Architecture
Robert Petrow	Managing Director of Petrow Harley Limited
Michelle Price	The Appellant
Beryl Price	Appellant Plot 6
Nicola Price	Appellant Plot 2
Danny Price	Appellant Plot 7
Sean Williams	Occupier Plot 11
Kevin Clee	Appellant Plot 13
Douglas Price	Appellant Plots 16 and 17

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smythe	Barrister, instructed by a Solicitor to the Council
He called	
Peter Tufnell DipTP MRTPI	Principal of Tufnell Town & Country Planning
Nick Feltham BA(Hons) M.Plan	Assistant Development Manager
David Broughton MCIEEM CEnv	Associate Ecologist at Aecom Limited
Jennifer Moffatt MSc AssocRTPI	Planning Adviser, The Environment Agency
Peter Rogers BSc MSc MCIEH	Team Leader of Environmental Protection Team

FOR THE RULE 12 PARTY:

Esther Drabkin-Reiter, Mark Westmoreland-Smith, of Counsel	Instructed by the Government Legal Department
They called	
Dean Walters CEnv	Senior Environmental Manager, Defence Infrastructure Organisation
Mathew Darby	Training Safety Officer, Defence Infrastructure Organisation

INTERESTED PARTIES:

Philip Wells, Parish Councillor, Beckingham Parish Council

Mrs Wiltshire	Resident of 'Plot 17'
Mrs Boswell	Resident of Plot 8A

DOCUMENTS submitted at the inquiry

- 1 Opening Note on behalf of the Appellants
- 2 Opening submissions of the Council
- 3 Opening statement on behalf of the Secretary of State for Defence
- 4 Overlay plan
- 5 Official List Entry Church of All Saints
- 6 Beckingham Conservation Area Appraisal
- 7 Application Plans for Plot 1 and Plot 13
- 8 Central Lincolnshire Local Plan Interactive Map
- 9 Email Correspondence between the Council and RRR Consultancy
- 10 Information on Duty to Cooperate
- 11 Bundle on Poplar Meadows
- 12 Revised list of planning conditions (Council)
- 13 Conditions Addendum 1 and Addendum 2 (Council)
- 14 Revised proposed conditions and temporary permission conditions (Appellants)
- 15 High Court Injunction 7 February 2022
- 16 Closing Statement (and related authorities) on behalf of the Secretary of State for Defence
- 17 Closing submissions of the Council
- 18 Closing Note on behalf of the Appellants